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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,474	06/12/2001	Jamal Benbrahim	IGTECH.0013P	5212
32856	7590	11/23/2005	EXAMINER	
WEIDE & MILLER, LTD. 7251 W. LAKE MEAD BLVD. SUITE 530 LAS VEGAS, NV 89128			MOSSER, ROBERT E	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Tutu

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/880,474	BENBRAHIM, JAMAL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Robert Mosser	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5,7-10 and 13-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-10 and 13-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**



**In response to the RCE filed October 31<sup>st</sup>, 2005.**

**Claims 1-5, 7-10 and 13-17 are rejected.**

**This action is Final**



***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 31<sup>st</sup>, 2005 has been entered.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims **1-5, 7-9** and **16-17** are rejected under 35 U.S.C. 102(b) as being anticipated by Graunke et al (US 5,991,399).

*[The contents of the section Response to Arguments below, are incorporated herein]*

Regarding claims **1-4** Graunke teaches a method for securing electronic games including:

Encrypting game device operational code with a first private key transmitted to the encryption device and storing the encrypted code in a memory device (Elm 102).

Obtaining said game device operational code reversibly/symmetrically encrypted with said first private key during game play (Elm 104);

Providing said encrypted code to said game device through transmitting (Col 6:30-35 & Elm 104);

Storing the encrypted code at said gaming device (Col 6:30-35 & Elm 104);

Locating a decryption device (Elm 106);

Providing said first private key separately from the encrypted data (Figure 4 & Elements 104, 114);

Decrypting said encrypted code using said first private key to recover said code (Elm 124, 130);

Utilizing said decrypted code containing audio or video data used during play of a game is considered encompassed in the digital content of Graunke wherein said digital content may include any "multimedia data, such as...games" (Col 4:4:34—35)

Storing said decrypted code at said gaming device (132); and

Utilizing said decrypted code to control at least one aspect of the operation of said gaming device during operation of said gaming device by the player (Col 4:42-44).

Where the storing of the encrypted code and decrypted code in a gaming device memory are considered inherently required for the decrypted code to be utilized by the gaming device (32) as data and likewise the storing of the encrypted code would be inherently required in order to allow the manipulation of the encrypted code by the cryptographic processor (decryption device) of the gaming device to decrypt.

The claimed transmission of encrypted code as presented in at least claims 3, is encompassed in the downloading of encrypted content from a network (Col 6:30-35).

Regarding claim 5, the feature of a game data presented by a gaming device to present a game for play by a player and provide a game outcome resultant of play is encompassed in Graunke's inclusion "games" presented for use by a user (Col 4:4:35-40) wherein the determination of a game result is inherent to the function of a game.

Graunke teaches the use of symmetrical encryption for the secure transfer of data (Elm 144).

Regarding at least claim 7, the described "secure access module" interpreted as element 52 and labeled "Tamper Resistant Key Module".

Regarding at least claim 8, Graunke teaches data authentication (Elm 118, 119).

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Regarding at least claim 9, the transmission of the first key to the decryption device is demonstrated in figure 4b element 114.

Regarding claims 16 and 17, Graunke teaches the use of multiple keys (Elm 102, 106, 110).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 10, and 13-15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Graunke et al (US 5,991,399) as applied to claim 10 above and in further view of Alcorn (US 5,643,086).

Graunke is silent regarding the specific inclusion of a "wagering" type game and the explicit inclusion of RAM, however in a related casino gaming security apparatus Alcorn teaches the use the above features.

Alcorn teaches the use of RAM (Col 1:21-23 & Elm 13) in a casino wagering system (Col 2:15-26). It would have been obvious to one of ordinary skill in the art at the time of invention to included use of RAM as the main memory of Graunke (Abstract) for it re-writeable functionality and wagering games as taught by Alcorn into the invention of Graunke in order to allow provide casino gaming through a secure network employing encryption as taught by Alcorn.

### ***Response to Arguments***

Applicant's arguments filed October 31<sup>st</sup>, 2005 have been fully considered but they are not persuasive. Applicant's amendments to claims **1, 5, 10, and 16** generally include the transmission of a private key separate from the transmission of the encrypted operational code. The previously presented rejection is maintained as this feature is taught by Graunke.

Applicant suggests that Graunke teaches away from providing the key separately from the data through stating "that the key should not be nakedly transmitted" or "pre-load" on page seven of applicant's remarks. In support the applicant has cited column 4 line 2, column 2 lines 62-64, column 3 lines 61-64.

This argument is non-persuasive as none of the applicant's citations demonstrate that the key module of Graunke actually contains the key and data in combination, nor

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does it suggest that such a packaging of the key and data if present would so limit the disclosure of Graunke to only that particular embodiment. While upon review, Graunke is found to teach the separate transmission of the key and data (Figure 4 & Elements 104, 114), as well as clarify that the key module is resultant of a process to encode the key not package the key with the data (Col 5:44-51).

All remaining arguments by applicant are reliant the above addressed issue and hence each fall in kind.

### ***Conclusion***

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any



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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Mosser whose telephone number is (571)-272-4451. The examiner can normally be reached on 8:30-4:30 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

REM

  
XUAN M. THAI  
ADVISORY PATENT EXAMINER  
TC3702